

REMARKS

Applicant respectfully requests entry of the following amendments and remarks in response to the Office Action mailed December 10, 2008. Applicant respectfully submits that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1 – 17 are pending. In particular, Applicant adds claim 17, amends claims 1 – 2, 4, 6 – 7, 11, and 13 – 14. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. **Rejections Under 35 U.S.C. §103**

A. **Claim 1 is Allowable Over Couts in view of Srinivas**

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 2003/0120805 (“Couts”) in view of U.S. Patent 7,249,161 (“Srinivas”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

A communication device comprising:
means for receiving, at a first instant messaging (IM) client, an IM message from a sender directed to a first IM address;
means for prompting, at the first IM client, the sender to convey the IM message to a second IM address on a second IM client;
means for conveying, by the first IM client, the IM message to the second IM address on the second communication device; and
means for indicating, by the first IM client, to the second IM client that the message originated from the sender.
(Emphasis added).

Applicant respectfully submits that claim 1, as amended, is allowable over the cited art. More specifically, neither *Couts* nor *Srinivas*, taken alone or in combination, discloses, teaches,

or suggests a “communication device comprising... ***means for prompting, at the first IM client, the sender to convey the IM message to a second IM address on a second IM client***... [and] ***means for indicating, by the first IM client, to the second IM client that the message originated from the sender***” as recited in claim 1, as amended. More specifically, *Couts* discloses “potential target user may use a client application to configure a forwarding list of one or more users and define rules that would prompt the system to forward the message to another device” (emphasis added, page 1, paragraph [0010]). As illustrated in this passage, *Couts* discloses that the system is prompted to forward the message. This is completely different than claim 1, as amended, for at least the reason that in claim 1 the sender is prompted. Additionally, *Couts* is different than claim 1, as amended for the additional reason that *Couts* fails to even suggest indicating by an IM client that the message originated from the first sender.

Additionally, *Srinivas* fails to overcome the deficiencies of *Couts*. More specifically, *Srinivas* discloses “[t]he actual graphical screen interface viewed by Srini may or may not indicate that Mitri is the sender. Preferably it does indicate the sender to better facilitate communication between the end users, Mitri and Srini in this example” (column 5, line 15). However, *Srinivas* fails to even suggest an IM client that indicates that the message originated from the sender. Accordingly, *Srinivas* fails to disclose “***means for prompting, at the first IM client, the sender to convey the IM message to a second IM address on a second IM client***... [and] ***means for indicating, by the first IM client, to the second IM client that the message originated from the sender***” as recited in claim 1, as amended. For at least these reasons, claim 1, as amended, is allowable.

B. Claim 2 is Allowable Over Couts in view of Srinivas

The Office Action indicates that claim 2 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 2003/0120805 (“*Couts*”) in view of U.S.

Patent 7,249,161 (“Srinivas”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 2. More specifically, claim 2 recites:

A communication device comprising:
a memory component configured to store:
receive logic configured to receive, from a sender
at an first IM client, an instant messaging (IM) message directed
to a first IM address;
***prompt logic configured to prompt the sender
to convey the IM message to a second IM address on a
second IM client;***
convey logic configured to convey, from the first
IM client, the IM message to the second IM address on the
second IM client; and
***indicate logic configured to indicate to the
second communication device that the message originated
from the sender.***
(Emphasis added).

Applicant respectfully submits that claim 8, as amended, is allowable over the cited art. More specifically, neither *Couts* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a “communication device comprising... ***prompt logic configured to prompt the
sender to convey the IM message to a second IM address on a second IM client...*** [and]
***indicate logic configured to indicate to the second communication device that the
message originated from the sender***” as recited in claim 8, as amended. More specifically, *Couts* discloses “potential target user may use a client application to configure a forwarding list of one or more users and define rules that would prompt the system to forward the message to
another device” (emphasis added, page 1, paragraph [0010]). As illustrated in this passage, *Couts* discloses that the system is prompted to forward the message. This is completely different than claim 8, as amended, for at least the reason that in claim 8 the sender is prompted. Additionally, *Couts* is different than claim 8, as amended for the additional reason that *Couts* fails to even suggest indicating by an IM client that the message originated from the first sender.

Additionally, *Srinivas* fails to overcome the deficiencies of *Couts*. More specifically, *Srinivas* discloses “[t]he actual graphical screen interface viewed by Srinivas may or may not indicate that Mitri is the sender. Preferably it does indicate the sender to better facilitate communication between the end users, Mitri and Srinivas in this example” (column 5, line 15). However, *Srinivas* fails to even suggest an IM client that indicates that the message originated from the sender. Accordingly, *Srinivas* fails to disclose “***prompt logic configured to prompt the sender to convey the IM message to a second IM address on a second IM client...*** [and] ***indicate logic configured to indicate to the second communication device that the message originated from the sender***” as recited in claim 8, as amended. For at least these reasons, claim 8, as amended, is allowable.

C. Claim 4 is Allowable Over *Couts* in view of *Srinivas*

The Office Action indicates that claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 2003/0120805 (“*Couts*”) in view of U.S. Patent 7,249,161 (“*Srinivas*”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 4. More specifically, claim 4 recites:

A communication method comprising:
receiving an instant messaging (IM) message at a first IM client, the IM message being intended for a recipient at a first IM address;
prompting the sender to convey the IM message to a second IM address at a second IM client;
conveying, by the first IM client, the IM message to the second IM address on the second communication device; and
indicating, by the first IM client, to the second IM client that the message originated from the sender.
(Emphasis added).

Applicant respectfully submits that claim 8, as amended, is allowable over the cited art. More specifically, neither *Couts* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a “communication method comprising... ***prompting the sender to convey the IM***

message to a second IM address at a second IM client... [and] indicating, by the first IM client, to the second IM client that the message originated from the sender" as recited in claim 8, as amended. More specifically, *Couts* discloses "potential target user may use a client application to configure a forwarding list of one or more users and define rules that would prompt the system to forward the message to another device" (*emphasis added*, page 1, paragraph [0010]). As illustrated in this passage, *Couts* discloses that the system is prompted to forward the message. This is completely different than claim 8, as amended, for at least the reason that in claim 8 the sender is prompted. Additionally, *Couts* is different than claim 8, as amended for the additional reason that *Couts* fails to even suggest indicating by an IM client that the message originated from the first sender.

Additionally, *Srinivas* fails to overcome the deficiencies of *Couts*. More specifically, *Srinivas* discloses "[t]he actual graphical screen interface viewed by Srin may or may not indicate that Mitri is the sender. Preferably it does indicate the sender to better facilitate communication between the end users, Mitri and Srin in this example" (column 5, line 15). However, *Srinivas* fails to even suggest an IM client that indicates that the message originated from the sender. Accordingly, *Srinivas* fails to disclose "***prompting the sender to convey the IM message to a second IM address at a second IM client... [and] indicating, by the first IM client, to the second IM client that the message originated from the sender***" as recited in claim 8, as amended. For at least these reasons, claim 8, as amended, is allowable.

D. Claim 11 is Allowable Over Couts in view of Srinivas

The Office Action indicates that claim 11 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 2003/0120805 ("*Couts*") in view of U.S. Patent 7,249,161 ("*Srinivas*"). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 11. More specifically, claim 11 recites:

A computer-readable storage medium that includes a program that, when executed by a computer, causes the computer to perform at least the following:

receive, at a first instant messaging (IM) client, an IM message the IM message being sent by a sender and intended for a recipient at a first IM address;

prompt, by the first IM client, the sender to convey the IM message to a second IM address on a second IM client,

convey, by the first IM client, the IM message to the second communication device at the second IM address; and

indicate, by the first IM client, to a second recipient that the message originated from the sender.

(Emphasis added).

Applicant respectfully submits that claim 11, as amended, is allowable over the cited art.

More specifically, neither *Couts* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a “computer-readable storage medium that includes a program that, when executed by a computer, causes the computer to perform at least the following... ***prompt, by the first IM client, the sender to convey the IM message to a second IM address on a second IM client...*** [and] ***indicate, by the first IM client, to a second recipient that the message originated from the sender***” as recited in claim 11, as amended. More specifically, *Couts* discloses “potential target user may use a client application to configure a forwarding list of one or more users and define rules that would prompt the system to forward the message to another device” (emphasis added, page 1, paragraph [0010]). As illustrated in this passage, *Couts* discloses that the system is prompted to forward the message. This is completely different than claim 11, as amended, for at least the reason that in claim 11 the sender is prompted.

Additionally, *Couts* is different than claim 11, as amended for the additional reason that *Couts* fails to even suggest indicating by an IM client that the message originated from the first sender.

Additionally, *Srinivas* fails to overcome the deficiencies of *Couts*. More specifically, *Srinivas* discloses “[t]he actual graphical screen interface viewed by Srini may or may not indicate that Mitri is the sender. Preferably it does indicate the sender to better facilitate communication between the end users, Mitri and Srini in this example” (column 5, line 15). However, *Srinivas* fails to even suggest an IM client that indicates that the message originated

from the sender. Accordingly, *Srinivas* fails to disclose “***prompt, by the first IM client, the sender to convey the IM message to a second IM address on a second IM client... [and] indicate, by the first IM client, to a second recipient that the message originated from the sender***” as recited in claim 11, as amended. For at least these reasons, claim 11, as amended, is allowable.

E. Claims 5 and 12 are Allowable Over Couts in view of Srinivas

The Office Action indicates that claims 5 and 12 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 2003/0120805 (“*Couts*”) in view of U.S. Patent 7,249,161 (“*Srinivas*”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claims 5 and 12. More specifically, dependent claim 5 is believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 4. Further, dependent claim 12 is believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 11. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

F. Claim 6 is Allowable Over Appelman in view of Srinivas

The Office Action indicates that claim 6 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,539,421 (“*Appelman*”) in view of U.S. Patent 7,249,161 (“*Srinivas*”). Applicant respectfully traverses this rejection for at least the reason that *Appelman* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 6. More specifically, claim 6 recites:

A communication method comprising:
receiving, at a first instant messaging (IM) client, an IM message intended for a recipient, the recipient having IM addresses, the IM message including a designated IM address of the IM addresses for delivering the IM message;

determining a presence of the recipient at each of the IM addresses;

prompting the sender to convey the IM message to a second IM address on a second IM client;

conveying, by the first IM client, the received IM message to the IM addresses at which the recipient is present; and

indicating, by the first IM client, to a second recipient that the message originated from the sender.

(Emphasis added).

Applicant respectfully submits that claim 6, as amended, is allowable over the cited art.

More specifically, neither *Appelman* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a “computer-readable storage medium that includes a program that, when executed by a computer, causes the computer to perform at least the following... ***prompt, by the first IM client, the sender to convey the IM message to a second IM address on a second IM client...*** [and] ***indicate, by the first IM client, to a second recipient that the message originated from the sender***” as recited in claim 6, as amended. More specifically, *Appelman* discloses “[a] user interface [that] allows a user to send instant messages to and exchange comments with a plurality of other users without having to switch among several instant message windows and without having to clutter up the user’s display screen” (column 3, line 41). *Appelman*, however, fails to even suggest “***prompt[ing], by the first IM client, the sender to convey the IM message to a second IM address on a second IM client...*** [and] ***indicat[ing], by the first IM client, to a second recipient that the message originated from the sender***” as recited in claim 6, as amended.

Additionally, *Srinivas* fails to overcome the deficiencies of *Appelman*. More specifically, *Srinivas* discloses “[t]he actual graphical screen interface viewed by Sriniv may or may not indicate that Miti is the sender. Preferably it does indicate the sender to better facilitate communication between the end users, Miti and Sriniv in this example” (column 5, line 15). However, *Srinivas* fails to even suggest an IM client that indicates that the message originated from the sender. Accordingly, *Srinivas* fails to disclose “***prompt[ing], by the first IM client, the sender to convey the IM message to a second IM address on a second IM client...*** [and]

indicat[ing], by the first IM client, to a second recipient that the message originated from the sender" as recited in claim 6, as amended. For at least these reasons, claim 6, as amended, is allowable.

G. Claim 7 is Allowable Over Appelman in view of Srinivas

The Office Action indicates that claim 7 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,539,421 ("Appelman") in view of U.S. Patent 7,249,161 ("Srinivas"). Applicant respectfully traverses this rejection for at least the reason that *Appelman* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 7. More specifically, claim 7 recites:

A communication method comprising:
receiving, at a first instant messaging (IM) client, an IM message intended for a recipient, the recipient having IM addresses, the IM message including a designated IM address of the IM addresses for delivering the IM message;
determining a last active time for each of the IM addresses;
prompting the sender to convey the IM message to a second IM address on a second IM client;
conveying, by the first IM client, the received IM message to the IM address having a most recent last active time; and
indicating, by the first IM client, to a second recipient that the message originated from the sender.
(Emphasis added).

Applicant respectfully submits that claim 7, as amended, is allowable over the cited art. More specifically, neither *Appelman* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a "communication method comprising... ***prompting the sender to convey the IM message to a second IM address on a second IM client...*** [and] ***indicating, by the first IM client, to a second recipient that the message originated from the sender***" as recited in claim 7, as amended. More specifically, *Appelman* discloses "[a] user interface [that] allows a user to send instant messages to and exchange comments with a plurality of other users without having to switch among several instant message windows and without

having to clutter up the user's display screen" (column 3, line 41). *Appelman*, however, fails to even suggest "***prompting the sender to convey the IM message to a second IM address on a second IM client... [and] indicating, by the first IM client, to a second recipient that the message originated from the sender***" as recited in claim 7, as amended.

Additionally, *Srinivas* fails to overcome the deficiencies of *Appelman*. More specifically, *Srinivas* discloses "[t]he actual graphical screen interface viewed by Srinivas may or may not indicate that Miti is the sender. Preferably it does indicate the sender to better facilitate communication between the end users, Miti and Srinivas in this example" (column 5, line 15). However, *Srinivas* fails to even suggest an IM client that indicates that the message originated from the sender. Accordingly, *Srinivas* fails to disclose "***prompting the sender to convey the IM message to a second IM address on a second IM client... [and] indicating, by the first IM client, to a second recipient that the message originated from the sender***" as recited in claim 7, as amended. For at least these reasons, claim 7, as amended, is allowable.

H. Claim 13 is Allowable Over Appelman in view of Srinivas

The Office Action indicates that claim 13 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,539,421 ("*Appelman*") in view of U.S. Patent 7,249,161 ("*Srinivas*"). Applicant respectfully traverses this rejection for at least the reason that *Appelman* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claim 13. More specifically, claim 13 recites:

A computer-readable storage medium that includes a program that, when executed by a computer, causes the computer to perform at least the following:

receive, at a first instant messaging (IM) client, an IM message intended for a recipient, the recipient having IM addresses, the IM message including a designated IM address of the IM addresses for delivering the IM message;

determine, at the first IM client, a last active time for each of the IM addresses;

prompt, at the first IM client, the sender to convey the IM message to a second IM address on a second IM client,

convey, at the first IM client, the received IM message to the IM address having a most recent last active time; and
indicate, at the first IM client, to a second recipient that the message originated from the sender.
(Emphasis added).

Applicant respectfully submits that claim 13, as amended, is allowable over the cited art. More specifically, neither *Appelman* nor *Srinivas*, taken alone or in combination, discloses, teaches, or suggests a “computer-readable storage medium that includes a program that, when executed by a computer, causes the computer to perform at least the following... ***prompt, at the first IM client, the sender to convey the IM message to a second IM address on a second IM client ... [and] indicate, at the first IM client, to a second recipient that the message originated from the sender***” as recited in claim 13, as amended. More specifically, *Appelman* discloses “[a] user interface [that] allows a user to send instant messages to and exchange comments with a plurality of other users without having to switch among several instant message windows and without having to clutter up the user’s display screen” (column 3, line 41). *Appelman*, however, fails to even suggest “***prompt[ing], at the first IM client, the sender to convey the IM message to a second IM address on a second IM client ... [and] indicat[ing], at the first IM client, to a second recipient that the message originated from the sender***” as recited in claim 13, as amended.

Additionally, *Srinivas* fails to overcome the deficiencies of *Appelman*. More specifically, *Srinivas* discloses “[t]he actual graphical screen interface viewed by Srin may or may not indicate that Mitri is the sender. Preferably it does indicate the sender to better facilitate communication between the end users, Mitri and Srin in this example” (column 5, line 15). However, *Srinivas* fails to even suggest an IM client that indicates that the message originated from the sender. Accordingly, *Srinivas* fails to disclose “***prompt[ing], at the first IM client, the sender to convey the IM message to a second IM address on a second IM client ... [and] indicat[ing], at the first IM client, to a second recipient that the message originated from the sender***”

the sender" as recited in claim 13, as amended. For at least these reasons, claim 13, as amended, is allowable.

I. Claims 8 – 10 and 14 – 16 are Allowable Over Appelman in view of Srinivas

The Office Action indicates that claims 8 – 10 and 14 – 16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,539,421 ("Appelman") in view of U.S. Patent 7,249,161 ("Srinivas"). Applicant respectfully traverses this rejection for at least the reason that *Appelman* in view of *Srinivas* fails to disclose, teach, or suggest all of the elements of claims 8 – 10 and 14 – 16. More specifically, dependent claims 8 – 10 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 7. Further, dependent claims 14 – 16 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 13. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

II. New Claim 17 is Allowable

Additionally, Applicant adds new claim 17. New claim 17 is allowable for at least the reason that claim 17 depends from allowable independent claim 1. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002). Support for this claim may be found, among other places on page 34, line 23.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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